

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

KURTIS C. WATKINS, Mo.
DOC#1192492,
Petitioner,

vs.

KELLY MORRISS, Warden of the
Jefferson City Correctional Center,
Respondent.

Case No. 4:25-CV-00015-RHH

**PETITIONER'S RESPONSE IN OPPOSITION TO
MOTION FOR EXTENSION OF TIME**

Petitioner Kurtis C. Watkins provisionally opposes Respondent Kelly Morriss's motion for extension of time to respond (Doc. 8). The respondent should not be allowed an extension without accounting for its impact on subsequent deadlines in the Court's case management order.

On March 10, 2025, this Court issued a case management order (Doc. 4) ordering the respondent to provide an answer to Mr. Watkins's petition (Doc. 1) within 45 days. The Court also ordered Mr. Watkins may reply within 60 days of the date the answer is filed. The next day, Mr. Watkins filed his motion for leave to conduct discovery (Doc. 6). The respondent now seeks to extend the time to respond to that motion until she answers the petition.

Mr. Watkins's petition raises a new factual claim relating to *Brady* violations by the State of Missouri in prosecuting the underlying criminal case (Doc. 1 at 41-54). His motion for leave to conduct discovery solely relates to this claim. Mr. Watkins was not able to raise this claim in previous post-conviction proceedings because the State continued to fail to disclose or prevent that information from being disclosed to him (*see* Doc. 1 at 52-54).

One purpose for this discovery is to enable Mr. Watkins to show, as 28 U.S.C. § 2254(e)(2)(A)(ii) requires for this Court to hold an evidentiary hearing, that the factual predicate could not have been previously discovered through the exercise of due diligence. To have a meaningful opportunity to be heard on that issue, Mr. Watkins should be allowed to conduct discovery before this Court makes a final determination whether he has satisfied § 2254(e)(2)(A)(ii).

If this Court permits the respondent additional time to respond to the motion to conduct discovery, it should also adjust the case management order to permit that motion to be decided and, if granted, discovery to be had, before Mr. Watkins is required to reply to the respondent's answer to his petition.

Respectfully submitted,

Jonathan Sternberg, Attorney, P.C.

by /s/Jonathan Sternberg

Jonathan Sternberg, Mo. #59533

Allyson Ralls, Mo. #73904

Bryan Cox, Mo. #70806

2323 Grand Boulevard, Suite 1100

Kansas City, Missouri 64108

(816) 292-7020

jonathan@sternberg-law.com

allyson@sternberg-law.com

bryan@sternberg-law.com

COUNSEL FOR PETITIONER

KURTIS WATKINS

Certificate of Service

I certify that on April 3, 2025, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF, which sent electronic notification of that filing to the following:

Office of Missouri Attorney General - Habeas Division

Counsel for Defendants

221 W. High Street

Jefferson City, MO 65101

(573) 751-3321

habeas@ago.mo.gov

/s/Bryan Cox

Attorney